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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,418	03/09/2001	Lawrence E. Conway	RDM 01-002	4815

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WESTINGHOUSE ELECTRIC COMPANY, LLC  
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EXAMINER

RICHARDSON, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 05/20/2003 *7/16/3 kun*

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/803,418

Applicant(s)

CONWAY ET AL.

Examiner

John Richardson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 to 36 is/are pending in the application.
- 4a) Of the above claim(s) 1 to 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 21 to 36 is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Final Rejection*

1). Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive. In particular, the examiner notes the following:

- The cited reference, Gardner et al (U.S. 5,102,616) provides a means for introducing a **plurality of gas paths** feeding suppression tanks that directly reads on the applicant's claims.
- It is noted that the applicant's claim 30 for example, does not introduce **gas** to the suppression tank in a **single pipe**.
- In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **water within the reactor boils off, other water stored in the suppression tank, reducing pressure inside the containment structure**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3). The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4). The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5). The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6). Claims 21 to 29 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention for the reasons set forth in Office action, Paper No. 10, item 7).

Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive. Specifically, the term **containment** can read on other structures, for example, the reactor pressure vessel.

7). Claims 21 to 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reasons set forth in Office action, Paper No. 10, item 8).

Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive. Specifically, the term **containment** can read on other structures, for example, the reactor pressure vessel..

8). Claims 24 to 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reasons set forth in Office action, Paper No. 10, item 9).

Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive. Specifically, it is reiterated that the term **gas** as presented in the claim language, does not have an antecedent basis as the claims have not recited **gas** specifically being present in the containment structure.

9). Claims 30 to 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Gardner et al (U.S. 5,102,616) for the reasons set forth in Office action, Paper No. 10, item 12.

Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive. The following responses to the applicant's arguments are noted as follows:

- The applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (are not recited in the rejected claims. For example, see statements relating to a) **water within the reactor boils off**, b) **other water stored in the suppression tank**, and c) **reducing pressure inside the containment structure**. Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- The reference clearly provides the means for introducing gas / steam resulting from reactor coolant breaks inside the containment to the suppression tanks items 134 through the collecting vessel item 166 and plurality of pipes items 168, as depicted for example, in Figures 11, 13.
- The applicant's claims does not recite a **single gas flow path** to the suppression tanks.

Accordingly, claims 30 to 36 are rejected for the reasons set forth above and those set forth in Paper No. 10, item 9.

10). Claims 21 to 26, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (U.S. 5,102,616) in view of Schulz (U.S. 5,255,296) for the reasons set forth in Office action, Paper No. 10, item 13.

Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive. The following comments are noted:

- See item 9) above relating responses to primary reference, Gardner et al.
- In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **heat exchangers immersed in a pool of water, heat exchangers stored in a shield building**) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

- In response to the applicant's observation that the secondary reference, Schulz fails to disclose a reactor vessel in connection with a suppression tank structure, the applicant is directed to Figure 1, and items 22 and 30.
- Responding to applicant's statements that the primary reference, Gardner et al, fails to disclose periods of operations, the applicant is directed to numerous citations by Gardner et al in this respect in relation to qualitative time periods of operation (see for example, Column 15, lines 46-51, Column 17, lines 28-33, Column 19, lines 25-27, Column 19, lines 48+, Column 26, lines 18-29, Column 27, lines 64+, Column 28, lines 19-40, Column 30, lines 39-43, lines 66+).

Accordingly, claims 21-26, 29 are rejected for the reasons set forth above and those set forth in Office action Paper No. 10, item 13.

11). Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (U.S. 5,102,616) in view of Schulz (U.S. 5,255,296) as applied to claims 21 to 26, 29 for the reasons set forth in Office action, Paper No. 10, item 14.

Applicant's arguments filed in Paper No. 11 have been fully considered but they are not persuasive and the applicant is directed to the responses provided in items 9) and 10) above.

12). Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gardner et al (U.S. 5,102,616) in view of Schulz (U.S. 5,255,296) as applied to claims 21 to 26, 29, in further view of Sawabe (U.S. 5,278,876) for the reasons set forth in Office action, Paper No. 10, item 15) as set forth in Office action Paper No. 10, item 15).

13). **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

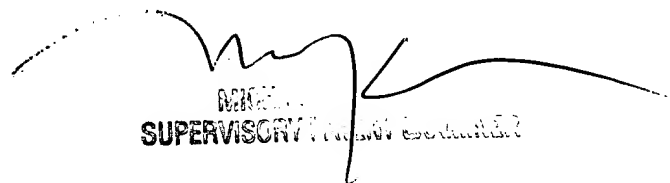
14). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305 7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

John Richardson, PE,

May 14 2003.



Supervisory Patent Examiner